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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16
17 **ELOY ORTIZ OAKLEY, in his official**
capacity as Chancellor of California
18 **Community Colleges et al.,**

19 Plaintiffs,

20 v.

21 **BETSY DEVOS, in her official capacity as**
the United States Secretary of Education;
22 **U.S. DEPARTMENT OF EDUCATION,**

23 Defendants.
24

Case No. 20-cv-03215-YGR

PLAINTIFFS' RESPONSE TO
DEFENDANTS' NOTICE OF FEDERAL
REGISTER NOTICE

25 To provide the Court with the complete record, Plaintiffs are submitting all of the
26 documents that were included as supporting and related material in the rulemaking docket for the
27 Federal Register Notice Defendants filed with the Court this morning, ECF No. 35, which counsel
28

for Plaintiffs downloaded at 10:31 a.m. from <https://beta.regulations.gov/docket/ED-2020-SCC-0088/document>. Within those documents, the DoE states:

While the CARES Act does not provide a definition of the term “student,” we have concluded that Congress intended the term “student” in the context of “grants to students” in section 18004 of the CARES Act to be limited to those individuals who are or could be eligible for title IV assistance. By applying this definition, IHEs will be required to establish or modify processes to ensure student eligibility for the funds allotted to them under the CARES Act. Additionally, there will be burden to students who wish to apply for the funds being made available, if the [sic] have not already established title IV eligibility.

Attachment 1. For the Court’s convenience, Plaintiffs have highlighted certain portions of the attached rulemaking arguments that bear on the motion set for hearing at 2:00 pm this afternoon.

Dated: June 9, 2020

Respectfully Submitted,

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/s/ Lee I. Sherman

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